



STATE OF MONTANA JOB PROFILE AND EVALUATION

The job profile is a streamlined position description and may serve as the core document for all human resource functions such as recruitment, selection, performance management and career and succession planning. It was developed, initially, for use in classifying positions in Pay Plan 020.

If you are converting a position to Pay Plan 020 and the position has not changed simply cut and paste the information needed from the current position description. The position description contains sections that are no longer used to classify the position, such as: Working Conditions and Physical Demands; Management and Supervision of Others; Supervision Received; Scope and Effect; and Personal Contacts. These may still be important to the position and may be included in **Section IV – Other Important Job Information**.

When working with a new position, classification request or change to a position in Pay Plan 020, complete the information below to provide the required documentation for classification.

SECTION I – Identification

Working Title Compliance Officer		Job Code Number 434313	Job Code Title License Permit Technician
Pay Band 3	Position Number 66070, 66008, 66009, 66014, 66036, 66050, 66016		<input type="checkbox"/> FLSA Exempt X <input checked="" type="checkbox"/> FLSA Non-Exempt
Department Secretary of State's Office			Division and Bureau Business Services Bureau
Section and Unit Compliance Unit			PO Box 202801 Helena, MT 59620-2801
Profile Produced By Mike O'Brien-			Work Phone 406-444-3118

Work Unit Mission Statement or Functional Description - This section should include a complete statement of the mission or function as it relates to the work unit.

The Secretary of State is one of six executive branch officers originally designated by the Montana Constitution of 1889. The duties of the secretary of state include: interpreting state election laws and overseeing elections; maintaining the official records of the executive branch and the acts of the legislature; reviewing, maintaining, and distributing public-interest records of businesses and nonprofit organizations; filing, publishing, and maintaining administrative rules adopted by state departments, boards and agencies; attesting to the governor's signature on executive orders, proclamations, resolutions, extradition papers, and appointments; preserving the state seal; filing and maintaining records of secured financial transactions, such as liens; serving on the state Board of Land Commissioners and the Board of Examiners; and commissioning notaries public. The Secretary of State's Office is divided into four Divisions: Elections, Business Services, Management Services and Administrative Rules, and Records Management.

The Business Services Division's mission is to serve the business community of Montana and other states and countries by ensuring the accurate and efficient filing, retention, and certification of business documents. The Secretary of State's Office works for and with its customers, continuously striving to improve service. Our office strives to provide responsive and responsible service to our customers with a commitment to continuous improvement, new ideas, and innovative approaches.

Business Services Bureau staff discharge the duties of the Secretary of State to provide a central processing and evaluation point for business registrations. The staff reviews, approves, maintains, and distributes records of business and non-profit organizations.

Describe the Job's Overall Purpose:

Reviews business registration documents to make final determination of compliance with requirements in Title 30 and Title 35, Montana code annotated. Specifically, review and final determination results in acceptance or rejection of registration, renewal, amendment, reinstatement, authority and miscellaneous business filings for Profit and Non-Profit Corporations, Limited Liability Companies, Limited Partnerships, Limited Liability Partnerships, Assumed Business Names, and Trademarks. Prepares correspondence to applicant which details incorrect or absent information and provides for corrections. Provides guidance over telephone and in person regarding business filing procedures.

SECTION II - Major Duties or Responsibilities	% of Time
<p>This section should be a clear concise statement of the position's duties. Well written thorough task duty statements are required here to accurately evaluate the position.</p> <p>1. What are the major duties or responsibilities assigned to this position? Group duties in order of importance and estimate the percent of time needed to perform each duty. NOTE: Because you are identifying major duties usually 3-5, the quantity of time probably will not be less than 20%. If a duty is essential but not performed routinely you should list it. For example, lobbying during the legislative session may not take up a large percent of total work time, but can be an essential duty.</p>	

A. Compliance Corporate Documents

70%

1. Using knowledge of a variety of business transactions including articles of organization, documents of incorporation, merger activities, assumed business names, trademarks, and partnerships the position determines whether business filing documents can be certified by SOS by:

- a. Comparing information provided on documents to information on file;
- b. Evaluating the new information for compliance with Title 30 and Title 35; and
- c. Analyzing changes in information to determine if they can be accomplished within legal framework.

2. Certification is dependent on businesses providing complete and correct information that satisfies over one hundred requirements outlined in Titles 30 and 35.

3. Using knowledge and understanding of Montana Code Annotated, Titles 30 & 35, and of Title 44 of Administrative Rules of Montana, and of the SOS history of filing policies, certifies to the public and to court of law that documents contained in the SOS office are current and complete.

B. Customer Service

30%

Using knowledge of principals and processes of customer service, provides customer assistance to enable businesses to obtain and remain active and in good standing with SOS by:

1. Drafting correspondence informing customers of incorrect or incomplete information;
2. Providing guidance on how to correct or complete documents;
3. Providing guidance over telephone and in person regarding completion of business registration documents;
4. Providing information in workshop settings to assist business registration customers.

2. Give specific examples of the types of problems solved, decisions made or procedures followed when performing the most frequent duties.

Each business in Montana is unique in the manner in which they organize, in the structure of their organization, in the inclusion of officers, directors, members, managers and partners, in the length of time they do business, in the number and value of shares offered, in the type of business they are in, and in the designations of authority they provide. The Compliance Officer has to maintain a broad knowledge of the business registration laws and apply it to each unique business registration document that is presented. There are currently over 150,000 active business files in the Secretary of State's Office.

With the above in mind, the Compliance Officer analyzes each business filing with a goal of certifying that all information presented meets the requirements of the law. As part of that process the Compliance Officer advises business filers, confirms or rejects filing documents, and provides guidance to businesses regarding their document filings. In addition, the Compliance Officer analyzes laws and procedures to determine where changes are needed in order to provide better customer service and improved compliance.

In the course of performing their duties, the Compliance Officer:

- a. Explains the document files for each corporation to people with very little understanding of business document filing and to professional attorneys, CPA's and bankers.
- b. Prevents businesses from being closed down because they have not registered their business. For example, customers call with an urgent need to demonstrate that their business is in good standing because the bank will not give them a loan or because they have been told by an enforcement agency that their business will be closed because it is not in good standing with the SOS office. Compliance Officers provide guidance to the customer to restore their business to good standing.
- c. Advises businesses on steps they need to take when their "good standing" is jeopardized for failure to register, renew, or amend their business documents. Compliance Officers have no authority other than providing official certification of current standing.
- d. Provides priority assistance including compliance review and certification when there is an urgent need for businesses to register. **Customers request and pay for priority (within 24 or one hour processing).**

3. What do you consider the most complicated part of the job?

Filing complicated and difficult to understand documents. Large volumes of work with tight deadlines. Dealing with customers whose range of understanding of business filings is from very little to extremely high. Needing to defend decisions before sometimes argumentative professionals or explain decisions to confused customers.

4. What guidelines, manuals or written established procedures are available to the incumbent?

Titles 30 and 35, Montana Code Annotated
Training guidelines established by the Secretary of State's Office.
Forms.

5. Which of the duties and/or specific tasks listed under 1. (above) are considered "essential functions" that must be performed by this position (with or without accommodations)?

The following duties are considered essential functions because they require specialized expertise and skill and are the primary reasons the job exists:

Duty A: Compliance Corporate Documents
Duty B: Customer Service

PHYSICAL

- Carry light items (papers, books, small parts)
- Remaining seated for extended periods of time, with occasional walking; standing; bending
- Operating a personal computer
- Communicate in writing, in person, and over the phone

MENTAL

- Deal with the public on a regular basis
- Ability to multi-task
- Demands for accuracy in all aspects of work
- Ability to meet inflexible deadlines
- Computing arithmetic operations
- Comparing data
- Compiling information
- Analyzing, Synthesizing
- Coordinating
- Instructing

6. If this position supervises other positions, complete the following information.

The number of employees supervised is 0

List the complexity level of the subordinates.

Please list the Position Number for those supervised

Is this position responsible for:

- ☐ Hiring ☐ Firing Performance Management ☐ Promotions
☐ Supervision Discipline ☐ Pay Level ☐ Other:

7. Please attach an Organizational Chart (optional).

SECTION III - Minimum Qualifications - List the minimum requirements for **first day** of work.

Please list the main knowledge and skill areas required for the job:

Employee must be proficient on a computer, including typing no fewer than 40 wpm, and have considerable knowledge and experience working with window based applications, including web-based applications.

Employee must have ability to be trained in operating and maintaining office equipment.

Employee should have familiarity with how to find read and interpret state and federal statutes, rules and regulations.

Employee should have the ability to communicate relevant and often complex information to customers.

Employee should have ability to prioritize work and focus on details.

Employee must be able to perform complex procedures and compliance reviews in a very condensed time frame. To perform these duties the employee must be detailed oriented, possess a proficiency and desire to resolve issues on their own.

Employee must have ability to relate daily work to finished product to foresee problems and develop solutions.

What behaviors are required to perform the duties? **NOTE:** Identifying behaviors used for recruitment and selection and other HR functions are part of building a competency model (see **Creating Competency Models** in Guide). A position description will provide helpful information if a model has not been developed. Often “abilities” from the current PD can be stated as desired and observable behaviors. For example, “the ability to communicate clearly in writing” can be restated “writes clearly and concisely”.

- **Verbal Communication:** Keeps appropriate individuals informed. Listens to others respectfully, understands or seeks clarification, and responds appropriately demonstrating tact and diplomacy. Expresses thoughts and ideas clearly.
- **Written Communication:** Writes clearly, logically and effectively using proper style, tone, grammar, spelling and punctuation.
- **Flexible at Work:** Responds positively to changes in direction, priorities, responsibilities, personnel or assignments. Works effectively in a variety of situations and with a variety of individuals or groups.
- **Working with Others:** Relates to others in an open and accepting manner; is approachable. Offers and accepts opinions constructively. Adjusts to how individuals and the work unit will react. Treats others with respect. Constructively resolves disagreements. Is open to others' ideas and gives credit and recognition to others.
- **Responsive to Work Needs:** Willing to perform different jobs, cross train, or assist wherever

needed. Is aware of co-worker workload and responds accordingly.

- **Takes Action:** Takes effective and appropriate action to perform job duties without being reminded. Willingly accepts more responsibility or more work.
- **Forward Looking:** Suggests improvements and new ideas, technologies, and approaches. Willingly applies new and evolving ideas, methods, designs and technologies to work.
- **Efficiency and Focus:** Uses time effectively and prioritizes tasks. Is aware of workload and makes appropriate adjustments to meet deadlines and complete tasks. Handles interruptions or distractions and stays on task. Achieves goals.
- **Accuracy:** Ensures accuracy of work and makes corrections in a timely manner. Is conscientious and monitors own quality of work.
- **Attendance:** Arrives on time for work and demonstrates good attendance record.
- **Organizational Awareness:** Understands and follows the rules, policies and laws that govern work. Identifies key decision-makers; understands and respects the balance of authority. Acts in an ethical manner.

Education and experience: Please check the one box that indicates the **minimum** educational requirements for this job, as it relates to a new employee on the **first day** of work (not the educational background of the person now in the position):

- | | |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| <input type="checkbox"/> No education required | <input type="checkbox"/> 2 year job-related college or vocational training |
| <input checked="" type="checkbox"/> High school diploma or equivalent | <input type="checkbox"/> College degree (Bachelor's) |
| <input type="checkbox"/> 1 year job-related college or vocational training | <input type="checkbox"/> Post-graduate degree or equivalent (e.g. Master's, JD) |

There may be a variety of fields of study that are acceptable. Business Administration, Public Administration or another related field. Please specify the acceptable fields of study:

Paralegal or Business Administration.

Other education, training (software), certification (CPA), or licensing (pilot, psychologist) required (please specify):

WORD, Outlook e-mail,

Please check the one box that indicates the minimum amount of job-related work experience needed as a new employee on the first day of work (not the experience of the person now in the position):

☐ No prior work experience required

☒ 3 to 4 years job-related work experience

☐ 1 to 2 years of job-related work experience

☐ 5 or more years of job-related work experience

Specific experience (optional):

☐ This agency will accept alternative methods of obtaining necessary qualifications.

For recruiting purposes please list examples of acceptable alternative methods of obtaining those qualifications. **These examples should appear on a vacancy announcement.**

SECTION IV – Other Important Job Information

List any other important information associated with this position, such as working conditions, supervision provided or received, scope and effect and personal contact.

Work is performed in a normal office environment, and the position requires the ability to communicate effectively in person, in writing, and over the phone. Work hours vary in complying with numerous deadlines, customer requests, interruptions and wide fluctuations in work volumes, and deadlines require the employee to be able to work under pressure for long periods of time.

SECTION V – Signatures

My signature below (typed or hand written) indicates the statements in Section I to IV are accurate and complete.

Employee:

Signature

Title

Date

Immediate Supervisor:

Signature

Title

Date

Administrative Review:

Signature	Title	Date

ATTACHMENT: Articles of Merger

The following is a typical process that these positions would review in the performance of duty 1.

A merger involves two or more corporations, llc=s, limited partnerships, general partnerships and/or llp=s and may be both foreign or domestic.

When two or more corporations merge with another corporation, profit or nonprofit, there must be a plan of merger which must contain the requirements of both Title 35, Chapter 1 and Title 35, Chapter 2. The plan of merger must set forth for:

- a) the profit corporation the name of each corporation planning to merge and the name of the surviving corporation into which each corporation plans to merge, the plan must also set forth the terms and conditions of the merger and for the profit corporation the manner and basis of converting the shares or each corporation into shares, obligations or securities of the acquiring corporations or any other corporation or for cash or other property in whole or in part,
- b) for the non profit corporation, the plan of merger must also include the name of each corporation planning to merge and the name of the surviving corporation into which each plans to merge, the terms and conditions of the planned merger and the manner and basis of converting the memberships of each public benefit or religious corporation into memberships of the surviving corporation and if the corporation is a mutual benefit corporation, the manner and basis of converting memberships of each merging corporation into memberships, obligations, or securities of the surviving or any other corporation into cash or other property in whole or in part and finally,
- c) if an LLC is a party to the merger the plan must set forth the name of each entity that is a party to the merger, the name of each entity that is a party to the merger, the name of the surviving entity into which the other entities will merger, the type or organization of the surviving entity, the terms and conditions of the merger, the manner and basis for converting the interests of each party to the merger into interests or obligations of the surviving entity or into money or other property, in whole or in part and the street address of the surviving entity=s principal place of business.

The next step for a merger is as follows:

- a) articles of merger must be submitted and be accompanied by the plan of merger which must set forth the following information depending on what types of entities are being merged. For a profit corporation only, the articles of merger must set forth either a statement that shareholder approval was not required if applicable or if approval by the shareholders was required the articles of merger must set forth the number of shares outstanding and entitled to vote on the merger and the number of votes cast for and the number of votes cast against the merger for each corporation involved in the merger. An officer or the chairperson of the board of directors of each corporation must originally sign the articles of merger and the plan of merger.
- b) the articles of merger for a nonprofit corporation must set forth either a statement that approval by the members was not required and a statement that the plan was approved by a sufficient vote of the board of directors or if approval by the members was required the articles of merger must set forth the number of memberships outstanding, the number of votes entitled to be cast, the number of votes cast for and against the plan and a statement that the number of votes cast for was sufficient for approval. The articles of merger must be signed by an officer or the chairperson of the board of directors of each corporation which is a party to the merger.

If a profit corporation and a nonprofit corporation are both parties to a merger, the articles of merger must set forth the provisions of both (a) and (b) above.

For an LLC that is a party to a merger in addition to the plan of merger, articles of merger must also be submitted and set forth,

a) the name and jurisdiction of formation or organization of each of the limited liability companies and other entities that are parties to the merger, for each limited liability company that is to merge, the date on which its articles of organization were filed with the secretary of state, that a plan of merger has been approved and signed by each limited liability company and other entity that is to merge, the name and address of the surviving limited liability company or other surviving entity, the effective date of the merger, if a limited liability company is the surviving entity, the changes in its articles of organization that are necessary by reason of the merger, if any, if a party to a merger is a foreign limited liability company, the jurisdiction and date of its initial articles of organization and the date when its application for authority was filed with the secretary of state of, if an application has not been filed, a statement to that effect, if the surviving entity is not a limited liability company, the agreement that the surviving entity may be served with process in this state and is subject to liability in any action or proceeding for the enforcement of any liability or obligation of any limited liability company previously subject to suit in this state that is to merge and for the enforcement, as provided in this chapter, of the right of members of any limited liability company to receive payment for their interest against the surviving entity, the name and address of the registered agent of the surviving entity and the articles of merger must be signed by a member of each limited liability company which is a party to the merger if the limited liability company is managed by members or a signature of a manager of each limited liability company if the limited liability company is managed by its managers.

If a for profit corporation, a non-profit corporation and a limited liability company are all parties to a merger the requirements of all of the above must be set forth in the articles of merger.

If a partnership or a limited partnership merges/converts to a limited liability company, the terms and conditions of a conversion must be approved by all of the partners or by a number or percentage of the partners required for conversion in the partnership agreement, the agreement of conversion/merger must set forth the terms and conditions of the conversion of the interests of partners of a partnership or of a limited partnership, into interests of the converted/merged limited liability company or cash or other consideration to be paid or delivered as a result of the conversion/merger of the interest of the partners or a combination of interests, cash or other consideration, after a conversion/merger is approved the partnership or limited partnership shall file articles of organization and all filing fees in this office which satisfy the requirements of 35-8-202 and contain a statement that the partnership or limited partnership was converted/merged to a limited liability company from a partnership or limited partnership, its former name, a statement of the number of votes cast by the partners entitled to vote for and against the conversion/merger and if the vote is less than unanimous, the number or percentage required to approve conversion/merger, in the case of a limited partnership, a statement that the certificate of limited partnership is to be canceled as of the date on which the conversion/merger took effect. In the case of a limited partnership, the filing of articles of organization cancels its certificate of limited partnership as of the date on which the conversion/merger took effect.